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Docket No. CRD-903

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Frank Butaric, et al.

Serial No. : 10/041,124 Art Unit: 3738


Filed : January 8, 2002 Examiner: C. L. Miller

For : EXTENSION PROSTHESIS FOR AN ARTERIAL REPAIR

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to: Commissioner For Patents, Washington, D.C. 20231 on

January 8, 2004  
(Date of Deposit)

Carl J. Evens  
(Name of applicant, assignee, or Registered Representative)

  
(Signature)

January 8, 2004  
(Date of Signature)

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TECHNOLOGY CENTER R3700

Commissioner for Patents  
Washington, D.C. 20231

STATEMENT UNDER 37 C.F.R. §1.97(e)

In accordance with 37 C.F.R. §1.97(e), certification is hereby  
made that:

☒ Each item of information contained in the information  
disclosure statement was first cited in any communication from a  
foreign patent office in a counterpart foreign application not more  
than three months prior to the filing of the Information Disclosure  
Statement; or

☐ No item of information contained in the Information  
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of information contained in this Information Disclosure Statement,  
was known to any individual designated in §1.56(c) more than three  
months prior to the filing of this Information Disclosure Statement.



Carl J. Evens  
Reg. No. 33,874  
Attorney for Applicants

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DATED: January 8, 2004



3738  
Docket No. CRD-0903

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Frank Butaric et al

Serial No. : 10/041,124

Art Unit: 3738

Filed : January 8, 2002

Examiner: C. L. Miller

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Washington, D.C. 20231

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on April 29, 2002, September 23, 2002 and July 17, 2003.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☐ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☒ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☒ Statement in Accordance with \$1.97(e)  
(attached); or
- ☐ Please charge Deposit Account No. 10-  
0750/ / the fee of \$180.00 as set forth  
in \$1.17(p).

☐ In accordance with \$1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with \$1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed April 29, 2002 and July 17, 2003.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/CRD-0903/CJE. This form is submitted in triplicate.

Respectfully submitted,



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DATED: January 8, 2004

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

<b>Application Number</b>	10/041,124
<b>Filing Date</b>	January 8, 2002
<b>First Named Inventor</b>	Frank Butaric
<b>Group Art Unit</b>	3738
<b>Examiner Name</b>	Cheryl L. Miller
<b>Attorney Docket Number</b>	CRD-0903

## U.S. PATENT DOCUMENTS

[illegible]

**FOREIGN PATENT DOCUMENTS**

[illegible]

Examiner Signature	Date Considered
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Examiner Signature	Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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